

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING
November 18, 2009
MAG Office Building - Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mark Pentz, Chandler, Chair	Mark Gaillard for John Fischbach, Goodyear
Carl Swenson, Peoria, Vice Chair	Bill Hernandez, Guadalupe
# Matt Busby for George Hoffman, Apache Junction	Darryl Crossman, Litchfield Park
Charlie McClendon, Avondale	Jack Friedline, for Christopher Brady, Mesa
David Johnson for Stephen Cleveland, Buckeye	Jim Bacon, Paradise Valley
* Gary Neiss, Carefree	David Cavazos, Phoenix
Wayne Anderson for Usama Abujbarah, Cave Creek	John Kross, Queen Creek
Spencer Isom for B.J. Cornwall, El Mirage	* Bryan Meyers, Salt River Pima-Maricopa Indian Community
Phil Dorchester, Fort McDowell Yavapai Nation	Dave Richert, Scottsdale
Shaunna Williams for Rick Davis, Fountain Hills	Michael Celaya for Randy Oliver, Surprise
Rick Buss, Gila Bend	Charlie Meyer, Tempe
* David White, Gila River Indian Community	# Chris Hagen for Reyes Medrano, Tolleson
Tami Ryall for George Pettit, Gilbert	# Gary Edwards, Wickenburg
Cathy Gorham for Ed Beasley, Glendale	* Lloyce Robinson, Youngtown
	Steve Hull for John Halikowski, ADOT
	Kenny Harris for David Smith, Maricopa County
	David Boggs, Valley Metro/RPTA

* Those members neither present nor represented by proxy.

Participated by telephone conference call.

+ Participated by videoconference call.

1. Call to Order

The meeting was called to order by Chair Mark Pentz at 12:05 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chair Pentz noted that Gary Edwards, Matt Busby, and Chris Hagen were participating via teleconference.

Chair Pentz welcomed the new Phoenix City Manager, David Cavazos, and the newly appointed Acting Scottsdale City Manager, David Richert, to the Management Committee:

Chair Pentz announced that public comment cards were available to members of the public who wish to comment. He noted that parking garage validation and transit tickets were available from Valley Metro/RPTA for those using transit to come to the meeting.

Chair Pentz noted material at each place: For agenda item #5G, the recommendation of the ITS Committee to select Lee Engineering, LLC to conduct the Non-Recurring Congestion Study, and for agenda item #6, the recommendation by the Transportation Review Committee on the reallocation of unobligated Local/MPO ARRA funds.

3. Call to the Audience

Chair Pentz stated that Call to the Audience provides an opportunity to the public to address the Management Committee on items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Chair Pentz noted that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard. Public comments have a three minute time limit and there is a timer to help the public with their presentations.

Chair Pentz recognized public comment from Dianne Barker, who expressed her appreciation for the transit ticket she received for taking the bus and light rail to the meeting, and she commented that they operated well. Ms. Barker noted that the Buckeyes will be going to the Rose Bowl. She commented on the decision to build new legs for light rail. Ms. Barker suggested spending three-quarters of the light rail money and run elevated rail where right of way is already owned along Grand Avenue and the Broadway Curve. Ms. Barker remarked about the federal government taking over the oversight of light rail safety. She noted that ADOT currently performs this function. Ms. Barker stated that unfortunately, there are accidents as there are with automobiles, but transit planning is there to alleviate that. She reported that she attended the federal Certification Review of MAG and when the federal representatives wanted to recess early, Joe Ryan told them they needed to be there until 7:30 p.m., as stated. Ms. Barker stated that about 30 people spoke at the Review, and they enunciated repeatedly that they are not being heeded and safety items are not being put on the agendas. She said that she was here to inform the Management Committee that the public is not happy. Chair Pentz thanked Ms. Barker for her comments.

4. Executive Director's Report

Dennis Smith, MAG Executive Director, reported to the Management Committee on items of interest to the MAG region. He stated that the MAG Certification Review was held November 3-5, 2009. Mr. Smith stated that the Transit Planning and Programming Agreement is under review and is close to finalization. He reported that the official letter of Certification has not yet been received, but the federal officials have indicated that one of the best practices from this region was the framework process.

Mr. Smith stated that the Electric Vehicle and Charging Infrastructure Workshop will be held December 10, 2009, in the MAG Saguaro Room. He noted that many experts will be presenting at the workshop and he encouraged those with municipal fleets to attend the workshop to see if electric vehicle infrastructure would be a good option for their jurisdiction.

Mr. Smith reported that the MAG Fiscal Year 2010 Budget received the Government Finance Officers Distinguished Budget Presentation Award, which is the highest form of recognition in governmental budgeting. Mr. Smith stated that this is the 11th consecutive year the MAG Fiscal Services Division has received the award, and he extended his congratulations to Fiscal Services Manager Becky Kimbrough and her staff.

Mr. Smith stated that this was GIS Day and more than 30 maps created by MAG member agencies were on display on the second floor. He noted that since 1999, more than 10,000 organizations have hosted events for GIS Day.

Mr. Smith stated that a lot of time is spent on making administrative adjustments to the Transportation Improvement Program and to the Regional Transportation Plan, and traditionally, these appear on the agendas as consent items. He explained that a common reason for an administrative adjustment is to change the type of federal funds used on the project. Mr. Smith stated that an item will be on the Executive Committee agenda to request that administrative modifications be handled by the Executive Director transmitting these changes directly to ADOT and providing a copy of the change to the MAG member agencies.

Chair Pentz thanked Mr. Smith for his report. No questions for Mr. Smith were noted.

5. Approval of Consent Agenda

Chair Pentz stated that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, #5J, #5K, #5L, #5M, and #5N were on the Consent Agenda. He reviewed the public comment guidelines for the Consent Agenda. Chair Pentz noted that no public comment cards had been received.

Chair Pentz asked if any member of the Committee had questions or a request to have a presentation on any Consent Agenda item. None were noted.

Mr. McClendon moved to recommend approval of Consent Agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, #5J, #5K, #5L, #5M, and #5N. Mr. Crossman seconded, and the motion carried unanimously.

5A. Approval of October 14, 2009, Meeting Minutes

The Management Committee, by consent, approved the October 14, 2009, meeting minutes.

5B. MAG Fiscal Year 2010 Traffic Signal Optimization Program Project Recommendations

The Management Committee, by consent, recommended approval of the list of FY 2010 Traffic Signal Optimization Program (TSOP) projects. The Fiscal Year (FY) 2010 MAG Unified

Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2009, includes \$321,000 for the FY 2010 Traffic Signal Optimization Program (TSOP) to improve traffic signal timing. A formal request for TSOP projects was announced by MAG on July 17, 2009, and 12 project applications were received. A regional workshop to provide training on signal timing software has also been included in the list of projects in response to requests received from MAG member agencies. The recommended projects will be carried out by MAG through Intelligent Transportation System (ITS) on-call consultants currently under contract. The MAG ITS Committee and the MAG Transportation Review Committee recommended approval of the list of TSOP projects.

5C. Revisions to the Arterial Life Cycle Program Policies and Procedures

The Management Committee, by consent, recommended approval of the proposed changes to Section 350 of the ALCP Policies and Procedures. In 2004, MAG initiated the development of the Arterial Life Cycle Program (ALCP) to provide management and oversight for the implementation of the arterial component of the Regional Transportation Plan (RTP). In 2005, the Regional Council approved the ALCP Policies and Procedures (“Policies”) to direct the implementation of the arterial street projects in an efficient and cost-effective manner. On April 22, 2009, the Regional Council approved revisions and refinements to the Policies. Since the approval, MAG member agencies have expressed concerns about the policies regarding ALCP project savings and programming the ALCP when a deficit of revenue occurs. On September 3, 2009, the ALCP Working Group met to discuss these concerns and other issues regarding the definition of a completed project for the Regional Area Road Fund (RARF) Closeout and data issues encountered during the annual update process.

5D. Project Changes – Amendments and Administrative Modifications to the FY 2008-2012 MAG Transportation Improvement Program

The Management Committee, by consent, recommended approval of amendments and administrative modifications to the FY 2008-2012 Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2007 Update. The FY 2008-2012 Transportation Improvement Program and Regional Transportation Plan Update were approved by the MAG Regional Council on July 25, 2007. Since that time, there have been requests from member agencies to modify projects in the programs. Requested project changes include funding changes and new projects to be funded with ARRA funds, and a number of project changes that relate to the approval of conformity. The Transportation Review Committee recommended approval of the requested changes.

5E. American Recovery and Reinvestment Act (ARRA) Monthly Status Report

A Status Report on the American Recovery and Reinvestment Act (ARRA) funds dedicated to transportation projects in the MAG region is provided. This report covers the status of project development as of October 20, 2009. It reports on highway, local, transit, and enhancement projects programmed with ARRA funds and the status of project development milestones per project. This item was on the agenda for information.

5F. Amendment of the FY 2010 MAG Unified Planning Work Program and Annual Budget to Accept FY 2009 Federal Transit Administration Planning Funding

The Management Committee, by consent, recommended amending the FY 2010 MAG Unified Planning Work Program and Annual Budget to accept \$222,387.50 of additional FY 2009 Federal Transit Administration Planning Funding. Each year, MAG prepares a Unified Planning Work Program and Annual Budget that lists anticipated revenues for the coming year. Recently, the Arizona Department of Transportation notified MAG of the official amount of FY 2009 Federal Transit Administration Planning (FTA) funding. An amendment to the FY 2010 MAG Unified Planning Work Program and Annual Budget is needed to include the additional award of \$222,387.50 for FTA 2009.

5G. Consultant Selection for the Non-Recurring Congestion Study

The Management Committee, by consent, recommended approval to select Lee Engineering, LLC to perform the Non-Recurring Congestion Study at an amount not to exceed \$300,000. The FY 2009 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2008, includes \$300,000 to conduct the Non-Recurring Congestion (NRC) Study in the Phoenix metropolitan region. Nationally, it has been estimated that as much as 60 percent of all traffic congestion may be attributable to NRC. The study goal is to better understand the magnitude of NRC in the MAG region and determine possible ways to mitigate it. A request for proposals for a consultant to conduct the study was announced by MAG on August 31, 2009, and six proposals were received. A multi agency proposal evaluation panel reviewed the proposals and interviewed two of the consultant teams, Cambridge Systematics, Inc. and Lee Engineering, LLC. On November 10, 2009, the ITS Committee recommended approval of the selection of Lee Engineering, LLC.

5H. Federal Funded Projects Not Obligating in Federal Fiscal Year 2009

The Management Committee, by consent, recommended approval to defer the Federal Fiscal Year (FFY) 2009 projects listed in the attached table to FFY 2010. The Federal Fiscal Year (FFY) 2009 MAG Closeout process ran from March to July 2009 and ended on September 30, 2009. Two projects scheduled to obligate, either as planned in the normal Transportation Improvement Program (TIP) process or that were selected to receive federal funds through the MAG Closeout process, did not obligate before the end of FFY 2009. These projects are in addition to those that were approved by the MAG Regional Council for deferral in June and July 2009. Currently, the Draft MAG Federal Fund Programming Guidelines do not include policies addressing this issue. Please refer to the table listing information for projects requesting deferrals or that have not obligated in FFY 2009 as programmed and the deferral request letters from the sponsoring agency. The Transportation Review Committee recommended approval of this item.

5I. New Finding of Conformity for the FY 2008-2012 MAG Transportation Improvement Program and Regional Transportation Plan 2007 Update, As Amended

The Management Committee, by consent, recommended approval of the new Finding of Conformity for the FY 2008-2012 MAG Transportation Improvement Program and Regional

Transportation Plan 2007 Update, as amended. On July 25, 2007, the MAG Regional Council approved a Finding of Conformity for the FY 2008-2012 MAG Transportation Improvement Program (TIP) and MAG Regional Transportation Plan 2007 Update. Since that time, an amendment has been proposed that involves the addition of several projects, including Arizona Department of Transportation projects on Loop 101. MAG has conducted a regional emissions analysis for the proposed amendment and the results of the regional emissions analysis, when considered together with the TIP and RTP as a whole, indicate that the transportation projects will not contribute to violations of federal air quality standards. On October 6, 2009, a 30-day public review period began on the conformity assessment and amendment.

5J. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2008-2012 MAG Transportation Improvement Program (TIP). The proposed amendment involves several projects, including projects for the Arizona Department of Transportation, Fountain Hills, Mesa, Peoria, and Scottsdale. The amendment includes projects that are exempt from a conformity determination and the administrative modification includes minor project revisions that do not require a conformity determination. Comments on the conformity assessment were requested by December 4, 2009. This item was on the agenda for consultation.

5K. Proposed 2010 Revisions to MAG Standard Specifications and Details for Public Works Construction

The MAG Standard Specifications and Details Committee has completed its review of proposed 2010 revisions to the MAG Standard Specifications and Details for Public Works Construction. These revisions have been recommended for approval by the committee and are currently being reviewed by MAG member agency Public Works Directors and/or Engineers. If no objections to any of the proposed revisions have been suggested within the month review time frame, then the proposed revisions will be regarded as approved and formal changes to the printed and electronic copies will be released. It is anticipated that the annual update packet will be available for purchase in early January 2010. This item was on the agenda for information and discussion.

5L. On-Call Consulting List for the Socioeconomic Modeling and Research Support Project

The Management Committee, by consent, recommended approval of the list of on-call consultants for area of Expertise A (Research, data collection, demographic, and economic analysis): Applied Economics, ECONorthwest, Planning Technologies, University of Arizona - Economic and Business Research Center, and Urban Analytics; Area of Expertise B (Application development, Geographic Information Systems, database management, and socioeconomic modeling): Applied Economics, ECONorthwest, Planning Technologies, Technology Associates, TerraSystems Southwest, University of Arizona - Economic and Business Research Center, and Urban Analytics, for the MAG Socioeconomic Modeling and Research Support Project, for a total amount not to exceed \$450,000. The FY 2010 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2009, lists three on-call projects (AZ-SMART Phase II On-Call, 2009 AZ-SMART Enhancements - Employment Classification

and Redevelopment Activity, 2009 Activity Based Socioeconomic Modeling Sub-models On-Call) to support socioeconomic modeling and research. These projects have been combined into one on-call solicitation as the Socioeconomic Modeling and Research Support Project for a cost not to exceed \$450,000. The purpose of the project is to enable MAG to maintain state-of-the-art projections models to support socioeconomic and transportation planning needs. MAG issued a Request for Qualifications to create an on-call consulting list for two areas of expertise in the project and received seven Statements of Qualifications (SOQs). A multi-agency evaluation team reviewed the SOQs and unanimously recommended to MAG that the following firms be included in a MAG on-call consulting list for the Socioeconomic Modeling and Research Support Projects: Applied Economics, ECONorthwest, Planning Technologies, Technology Associates, TerraSystems Southwest, University of Arizona - Economic and Business Research Center, and Urban Analytics.

5M. Approval of the Draft July 1, 2009 Maricopa County and Municipality Resident Population Updates

The Management Committee, by consent, recommended approval of the July 1, 2009 Maricopa County and Municipality Resident Population Updates provided that the Maricopa County control total is within one percent of the final control total. MAG staff has prepared draft July 1, 2009 Maricopa County and Municipality Resident Population Updates. The Updates, which are used to allocate \$23 million in lottery funds to local jurisdictions, prepare budgets and set expenditure limitations, were prepared using the 2005 Census Survey as the base and housing unit data supplied and verified by MAG member agencies. Because there may be changes to the Maricopa County control total by the Arizona Department of Commerce, the MAG Population Technical Advisory Committee recommended approval of these Updates provided that the County control total is within one percent of the final control total.

5N. Census 2010 Local Update of Census Addresses Feedback Materials and Appeals Process

The Local Update of Census Addresses (LUCA) program is a critical part of Census 2010 activities because it uses local expertise to improve the accuracy and completeness of the address list used for mailing Census 2010 questionnaires. MAG member agencies completed the initial phase of the LUCA program in 2008. The purpose of LUCA feedback is to provide local jurisdictions with detailed feedback materials that document which local address additions and updates the Census Bureau did or did not accept, along with the list of addresses that have been deleted from the original Master Address File during address canvassing. Member agencies that wish to dispute the Census Bureau's determinations must file their appeal within 30 calendar days of receiving their materials. It appears that all MAG member agencies have now received their materials. On average, every person counted in Arizona equals about \$1,550 per year in federal and state funding, or about \$3,875 per household per year. A complete and accurate LUCA list can help prevent a revenue loss of nearly \$40,000 over ten years for every housing unit not counted in Census 2010. MAG Population Technical Advisory Committee (POPTAC) members are aware of this issue and are working with the jurisdiction LUCA representative on the individual appeals for their jurisdiction. MAG staff will be available after the POPTAC meeting on November 10 to meet individually with member agencies to discuss their feedback. This item was on the agenda for information.

6. Reallocation of Unused Local/MPO American Recovery and Reinvestment Act (ARRA) Funds Policy Options

Eileen Yazzie, MAG Transportation Program Manager, provided a report on unobligated Local/MPO American Recovery and Reinvestment Act (ARRA) funds that are anticipated due to low project cost bids and projects not obligating to meet the March 2, 2010, federal deadline. She noted that a memorandum and supporting material was sent to the Management Committee on November 16, 2009, reporting the action and discussion from the November 13, 2009, Transportation Review Committee meeting.

Ms. Yazzie stated that her report would include a presentation on programming factors, recommended policy and analysis, discussion on the technical points related to programming, and the requested action recommended by the Transportation Review Committee. She advised that the main objective is to obligate all of the ARRA funds, and the focus of this presentation was the reallocation of Local/MPO ARRA funds.

Ms. Yazzie stated that staff has been meeting with the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) on a weekly basis, and those agencies would like all the Local ARRA projects in the region obligated by February 1, 2010 so they have time to account for all of the funds. She commented that a realistic approach is to consider only those projects already in the ADOT process and it is unrealistic to consider new projects not in the process.

Ms. Yazzie stated that some of the ARRA Local/MPO funds are likely to become available due to the inability for some projects to obligate by the March 2, 2010 deadline or due to project costs being less than programmed. She added that staff will be working on this in December and January. Ms. Yazzie advised that in addition, ARRA Local/MPO funds are likely to become available after March 2, 2010 due to project costs being less than programmed, and those funds will need to be obligated.

Ms. Yazzie read the motion recommended by the Transportation Review Committee: "Recommended approval that any unobligated American Recovery and Reinvestment Act (ARRA) Local funds due to either projects not obligating or project cost savings, are to be programmed at the local discretion first, and may remain ARRA funds or may be exchanged with the Arizona Department of Transportation (ADOT) for ADOT Surface Transportation Program (STP) funds. ADOT would then use the ARRA funds on highway projects in the MAG region and ADOT will transfer an equivalent amount of ADOT STP funds that can be used by MAG members on local federally funded projects. If applicable, the local agency may use project cost savings from their own original ARRA allocation to lower the 30 percent local cost share on projects programmed under the 70/30 cost share policy."

Ms. Yazzie stated that the motion continues the local solution approved by the Regional Council in March 2009 and includes a deadline of September 2010 for obligating STP funds. She remarked that because STP is a federal fund, a local match of 5.7 percent is required, and gave as an example that a \$500,000 project would need a local match of \$28,500.

Ms. Yazzie then described technical programming issues that need to be addressed in the future: 1) A total cost percent or dollar amount threshold related to programming STP funds on local projects will need to be established. 2) Local projects funded with STP should be underway and would need to obligate by September 2010. 3) A regional project prioritized list will need to be developed. Ms. Yazzie stated that the Transportation Review Committee will be working on the technical programming issues in December and January. Chair Pentz thanked Ms. Yazzie for her report and asked members if they had questions.

Mr. Harris asked the process for moving a project forward if there were additional funds due to project savings. Ms. Yazzie replied that under this policy the agency whose project had savings would have the first discretion. She noted that projects have been submitted over the past couple of months that could be deemed by ADOT and FHWA to be able to obligate by September 2010. Ms. Yazzie indicated that a TIP amendment would then move forward.

With no further discussion, Mr. Crossman moved to recommended approval that any unobligated American Recovery and Reinvestment Act (ARRA) Local funds due to either projects not obligating or project cost savings, are to be programmed at the local discretion first, and may remain ARRA funds or may be exchanged with the Arizona Department of Transportation (ADOT) for ADOT Surface Transportation Program (STP) funds. ADOT would then use the ARRA funds on highway projects in the MAG region and ADOT will transfer an equivalent amount of ADOT STP funds that can be used by MAG members on local federally funded projects. If applicable, the local agency may use project cost savings from their own original ARRA allocation to lower the 30 percent local cost share on projects programmed under the 70/30 cost share policy. Mr. Hernandez seconded, and the motion passed unanimously.

7. Revision of Highway Projects to Be Funded with American Recovery and Reinvestment Act Funds

Ms. Yazzie stated that since the MAG Regional Council approved reprioritizing the ARRA Highway project list based on the ability to obligate in September, highway projects have continued to move forward with advertising, bids, and contract awards. She advised that there have been cost savings due to lower bid/contract award amounts, and currently total approximately \$2.3 million which need to be programmed. Ms. Yazzie stated that it is recommended to add the SR-143 project at \$35.1 million to the approved ARRA Highway project list to be funded based on the ability to obligate. She advised that cost savings are anticipated to continue, and the cost savings could be applied to the SR-143 project. Chair Pentz thanked Ms. Yazzie for her presentation and asked members if they had questions.

Mr. McClendon asked for clarification that adding this project to the ARRA Highway priority list would not negatively affect other projects funded on the ARRA Highway list. Ms. Yazzie replied that adding this project to the priority list would not negatively affect other Highway projects on the list. She added that the other Highway projects on the list are funded.

Mr. McClendon asked for a description of the project. Ms. Yazzie replied that the SR-143 project includes improvements to a traffic interchange and adding ramps in the area of Sky Harbor Airport.

Mr. McClendon moved to recommend adding the SR-143 project to the American Recovery and Reinvestment Act Highway project list to be funded based on the ability to obligate. Vice Chair Swenson seconded, and the motion passed unanimously.

8. MAG Commuter Rail Studies Update

Marc Pearsall, MAG Transit Planner, provided an update on the three commuter rail studies being conducted in the MAG region to plan for and implement commuter rail service in the MAG region. Mr. Pearsall explained that at the request of the Regional Council, MAG staff began commuter rail planning studies earlier in the year: a Systems Study (existing regional freight rail and illustrative corridors), the Grand Avenue Corridor Study (commuter rail from downtown Phoenix to Wickenburg) and the Yuma West Corridor Study (commuter rail from downtown Phoenix to Buckeye and Arlington).

Mr. Pearsall stated that the Commuter Rail Systems Study was added to MAG work program in January 2009 and its goal is to evaluate the possibility of commuter rail on existing freight corridors. He noted that ridership potential, operating strategies, and capital and operating costs will be evaluated to prioritize the implementation of commuter rail service. He displayed a flow chart of all of the regional planning efforts and partnerships with Building a Quality Arizona (BQAZ) and the Arizona Department of Transportation (ADOT). Mr. Pearsall said that the recommendations are anticipated to be presented to MAG committees by February or March 2010. Mr. Pearsall displayed a map of the existing freight rail corridors.

Mr. Pearsall displayed a graph of the preliminary ridership forecasts from the first round of modeling and noted that these are some of the criteria that Federal Transit Administration would request if the region were to engage in commuter rail. He said that the national average for boardings per revenue mile is 1.5, and provided examples of the boarding rates for local and peer cities. Mr. Pearsall stated that the next steps in ridership forecasting extend to the 2050 timeframe, and pointed out existing and abandoned rail lines, which could be utilized as future freeway and freight and passenger rail corridors.

Mr. Pearsall stated the purpose of the corridor development plans was to determine the feasibility of implementing commuter rail service along the BNSF and Union Pacific lines, in addition to looking at the system as a whole. He displayed a flow chart that showed the interlink between MAG's data collection and land use.

Mr. Pearsall provided an overview of the Commuter Rail Studies schedule. He stated that the majority of the three studies would be completed by the end of 2009 and that the final stakeholder meeting would be conducted in January 2010. Mr. Pearsall reported that MAG staff would continue coordination with ADOT on a high speed rail study between Phoenix and Tucson and would like to present the studies for review and acceptance through the MAG committee process in February or March 2010. Chair Pentz thanked Mr. Pearsall for his presentation. No questions from the Committee were noted.

9. 2009 Inventory of Unpaved Roads

Cathy Arthur, MAG Senior Air Quality Policy Planner, reported on the 2009 Inventory of Unpaved Roads in the MAG region. She commented that a presentation on GIS Day was appropriate because years of GIS analysis by both member agencies and MAG staff went into producing this inventory. Ms. Arthur stated that one of the thirteen measures for the Suggested List of Measures to Reduce PM-10 Particulate Matter approved by the MAG Regional Council requires that MAG conduct an annual inventory of unpaved roads and their estimated traffic counts by jurisdiction to measure progress in eliminating unpaved roads. Ms. Arthur commented that unpaved roads contribute a significant amount of the PM-10 particulate matter that the region is dealing with as a nonattainment area.

Ms. Arthur stated that unpaved roads were identified using aerial photos and GIS data provided by member agencies, and the traffic counts on unpaved roads were obtained through a 2007 MAG study, a 2009 Maricopa County DOT study, and member agencies. She explained that for roads without counts, GIS data were used to determine the number of dwelling units and the average daily traffic was then estimated.

Ms. Arthur stated that the products from the analysis include a database of public and private roads by agency of ownership, maps of public and private unpaved roads by jurisdiction, and summary tables. She stated that there are approximately 1,900 miles of unpaved roads in the PM-10 Nonattainment Area, which includes a small portion of Pinal County (Apache Junction). Ms. Arthur advised that approximately half of the unpaved public roads are contained in cities, towns and unincorporated county areas, and one-quarter are on federal land. She stated that the majority of private unpaved roads are in unincorporated Maricopa County. Ms. Arthur stated that in March 2007, then Peoria City Manager Terry Ellis requested that MAG look into unpaved roads in county islands. She noted that of the Maricopa County unincorporated area roads shown on this list, 81 percent of public and private unpaved roads are on county islands.

Ms. Arthur displayed a map of the 2009 public unpaved roads in the PM-10 Nonattainment Area. She stated that detailed maps for each jurisdiction that included traffic counts were sent to city and town managers on September 22. Ms. Arthur pointed out that the PM-10 monitors are depicted on the map and commented that the influence of the unpaved roads on the monitors needs to be watched. She also displayed a map of the 2009 private unpaved roads in the PM-10 Nonattainment Area.

Ms. Arthur stated that the data from the inventory will be used to monitor progress in reducing the miles of public unpaved roads, to provide unpaved roads data for emission inventories, air quality modeling, and conformity analyses, and to assist member agencies in targeting high traffic public dirt roads for paving using Congestion Mitigation and Air Quality (CMAQ) and local funds. She noted that MAG has programmed approximately \$24 million in CMAQ funds for paving dirt roads, shoulders and alleys in years 2007 through 2012. Ms. Arthur stated that the Unpaved Roads Inventory will be updated annually and will show the projects completed.

Ms. Arthur explained that in 2007, when the Five Percent Plan for PM-10 was being developed, it was hoped the Legislature would prohibit new dirt roads in the Maricopa County PM-10

Nonattainment Area. She stated that the legislation did not pass and continues to be an issue. Ms. Arthur noted that new dirt roads are primarily associated with lot splits. She reported that MAG allocates significant CMAQ funds each year for paving existing public unpaved roads, but the benefit of paving existing unpaved roads is offset by creation of new unpaved roads. Ms. Arthur advised that other serious PM-10 nonattainment areas, such as Clark County, NV, and San Joaquin Valley, CA, have prohibited new unpaved roads, and this is something MAG would like the Legislature to address. Chair Pentz thanked Ms. Arthur for her presentation. No questions from the Committee were noted.

10. Maricopa County Library District Reciprocal Borrowing Agreement

Nathan Pryor, MAG Senior Policy Planner, stated that the MAG Management Committee requested that the MAG Library District Stakeholders Group be reconvened to discuss an equitable agreement regarding the reciprocal borrowing agreement that cities and towns have with the Maricopa County Library District (MCLD). He noted that the Stakeholders Group has been meeting since June, and at the September 29, 2009, meeting a presentation on expenditures and revenue was given by MCLD staff. Mr. Pryor stated that a copy of the presentation was included in the agenda packet.

Mr. Pryor reported that at this same meeting, a draft proposal of changes to the reciprocal borrowing agreement was developed by members of the Stakeholders Group. He stated that the draft proposal requested a reimbursement rate of 50 percent of the tax revenue received phased in over a ten-year period. Mr. Pryor advised that the draft proposal was not formally offered to the MCLD, but rather was a part of an ongoing conversation, and it was circulated in an email for further discussion. He stated that the MCLD staff requested time to discuss the draft proposal with the County's Office of Management and Budget, and subsequently provided a response in a letter to MAG, which was included in the agenda packet.

Mr. Pryor explained that the letter states that the draft proposal is invalid under the current statute. He noted that the letter also provided a list of programs the MCLD is providing and it noted that with the expected downturn in the budget, they anticipate the programs will be reduced. He indicated that the MCLD anticipates a continued revenue decline of \$8 million or 40 percent of its revenue. Mr. Pryor stated that an opportunity was extended to the MCLD staff to review this presentation with the Management Committee, however, they respectfully declined, stating the letter was very specific. He reported that this issue has been reviewed with the Intergovernmental Representatives and feedback has been received from the Stakeholders. Mr. Pryor remarked that the issue appears to be at a pause at this time.

Chair Pentz asked if the letter seemed to indicate that it is a legislative issue and it is not in the MCLD official's power to negotiate a different arrangement. Mr. Pryor replied yes, that was also his understanding.

Chair Pentz asked if the MCLD had been invited to the Management Committee meeting. Mr. Pryor replied that he had spoken with the MCLD Director Harry Courtright, who respectfully declined the opportunity to present the MCLD information to the Management Committee. He noted that the MCLD information included in the Management Committee agenda packet that had

been presented to the Stakeholders was quite lengthy and it would be difficult for him to interpret the numbers behind the presentation.

Chair Pentz expressed that it was disappointing that the MCLD staff chose not to attend the Management Committee meeting. He commented that this issue has existed for a long time and requires further discussion and eventually resolution. Chair Pentz asked Eric Anderson to relate his recent experience regarding special districts.

Mr. Anderson stated that he recently participated in an Urban Land Institute Research Committee meeting where a presentation was given by the Maricopa County Parks Department that mentioned that a more reliable funding source for Maricopa County parks is needed. He commented that apparently, there is talk to set up another special district – one for parks. Mr. Anderson said that he pointed out to the County Parks representative that this looked like the same sort of issue with the Library District where the cities are providing a lot of their own funding for programs and then there is a countywide district to do the same thing. Mr. Anderson reported that he also recently attended the Governing Arizona conference, which was attended by 22 members of the Legislature, and the objective of the conference was how to fix the State's fiscal problems. He stated that for the long-term, an economic strategy is needed. Mr. Anderson remarked that his point is to have a strategy that is followed consistently, through good times and bad times. Mr. Anderson stated that it is also important for the state to align its assets of education, infrastructure, fiscal, and regulation policy, toward supporting an economic development strategy. He reported that two national experts in state and local governments fiscal policy from the University of Southern California were at the conference, and Dr. Knott shared that there is a big push in California to understand more about special districts. Mr. Anderson said that Dr. Knott imparted that they believe that there are approximately 100,000 special districts in Los Angeles County alone, but there is no centralized source for what the districts do and the aggregate tax impact on citizens. Mr. Anderson said that Dr. Knott reported that they are pulling tax bills from 1980, 1990, and 2000 for samples to compile that information because there is no central repository and no transparency nor accountability. Mr. Anderson expressed that he did not feel this region has quite that situation, but special districts are a slippery slope as decisions are made on how to deal with the financial situation.

Chair Pentz said that the City of Chandler has two standalone libraries and two operated in conjunction with the Chandler School District. Chair Pentz stated that Chandler residents paid to the County district \$1.2 million in property taxes and received back \$216,000 in cash and benefits - an 18 percent return. He added that the City of Chandler would like to pursue this issue further.

Mr. Meyer stated that the MCLD letter says, "The current statutory structure for the Library District would disallow District property tax funds to be utilized to pay directly for funding of independent libraries within Maricopa County," and the Stakeholder's proposal suggested tying a 50 percent return from the district tax to the reimbursement. Mr. Meyer commented that if reimbursements are currently being done, he assumed that is being statutorily provided for and the Stakeholders' proposal is merely to change the percentage. He asked if there was any understanding of the sentence from the letter makes sense in that context. Mr. Pryor responded

that the reimbursement program was established after the statute was in place, and he was not sure if an opt-out was allowed or prohibited by statute.

Mr. Meyer stated that one of his questions was if the letter implied that the current reciprocal borrowing program was not allowed by statute, because he did not understand it that the letter says the current structure does not allow the funds to be used for funding, but that is what we have been doing for a period of time.

Chair Pentz noted that those interested in pursuing these questions could meet and discuss a solution, which appears might require a legislative solution.

Mr. Smith stated that the County could be requested to come to the January Management Committee to answer questions and perhaps give a presentation.

Chair Pentz asked Mr. Harris if he would facilitate the request.

Mr. Harris replied that he would take the request to County staff. He asked for clarification if all the cities and towns were upset with the reciprocal borrowing agreement or just some cities and towns. Chair Pentz replied that there are cities and towns with their own library systems and some cities and towns where the County provides library services.

Mr. Friedline stated that the City of Mesa has its own libraries and is disappointed in the response from the MCLD. He expressed that the City of Mesa feels their contribution far outweighs the benefits and they feel they should get the right representation and appropriations. Mr. Friedline commented that if there is a reimbursement agreement in place, he questioned why they could not sit down and renegotiate. He indicated that the City of Mesa residents pay more taxes to the MCLD than the City of Chandler yet receive less in return than Chandler.

Mr. Harris asked if the Committee desired that the request be conveyed in writing.

Mr. Smith stated that MAG could contact the County Manager and request a representative attend the January meeting to answer questions. He added that another issue raised by the cities is that they can no longer afford some programs because of their financial situation, however, the County can still afford them. Mr. Smith stated that in appearance, the County has better programs but the cities are cutting back. He remarked that hearing the County's side of this issue would be beneficial.

Vice Chair Swenson stated that the City of Peoria is in the same situation and looks forward to discussion of the issue.

Mr. Cavazos stated that the City of Phoenix has its own library system and the contributions of its residents to the MCLD are very significant and the return is very small. He added that Phoenix shares the concerns of the other cities with independent library systems.

Chair Pentz stated that anything Mr. Smith, Mr. Harris and MAG staff could do to facilitate discussion at the next meeting would be appreciated.

11. Request for Future Agenda Items

Topics or issues of interest that the Management Committee would like to have considered for discussion at a future meeting will be requested.

No requests were noted.

12. Comments from the Committee

An opportunity will be provided for Management Committee members to present a brief summary of current events. The Management Committee is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

No comments were noted.

13. Adjournment

There being no further business, the meeting adjourned at 1:05 p.m.

Chair

Secretary